IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19434 OF 2000

DATED:9.12.2005

Between:

SK.Mahaboob Mastan W/o. Kalesha

Kavali, Nellore district petitioner

And

APSRTC,

Rep by its M.D., Musheerabad, Hyderabad & ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19434 OF 2000

ORAL ORDER:

The petitioner, who is working as Conductor with the respondent corporation, filed the present writ petition questioning the action of the respondents in not regularizing

his services w.e.f. 1.4.1987 i.e., the date on which similarly situated persons who were interviewed along with him were appointed.

The petitioner contends that he worked as Checker-cum-Conductor on bus bearing No.APN 6215 plying between Kavali and D.G.Peta, which route was nationalized in February, 1987. It is also stated that the said bus bearing No. APN 6215 required certain repairs and in place of it another bus bearing No.AAN –7497 was operated and the same was certified by the Regional Transport Officer, Nellore. The petitioner applied for employment in the respondent corporation under displaced persons quota and he was interviewed by Selection Committee on 22.3.1987 and selected as Conductor vide proceedings dated 1.2.1989. The grievance of the petitioner is that similarly situated persons who were interviewed along with him in the year 1987 were issued with appointment orders on 1.4.1987 itself and no orders were issued in his case and pursuant to orders passed in W.P.No.6111 of 1987 he was appointed on 1.2.1989 and he is entitled for regularization from 1.4.1987 i.e., the date on which similarly situated persons were appointed.

A counter affidavit was filed on behalf of the respondents. It is specifically stated that the vehicle bearing No.APN 6215 was not in operation by the date of nationalization in the year 1987. It is also stated that in terms of circular No.PD.75 of 1987 dated 10.11.1983 only genuine displaced employees of private operators whose permits were cancelled consequent to nationalization should be absorbed and the cases of private operators who had surrendered their permits suo moto on their own in anticipation of nationalization or for economic reasons shall not be treated as displaced employees. Since the subject vehicle is not in operation from 22.6.1986 the Selection Committee has rejected the claim of the petitioner in the selections held in the year 1987. Thereafter, pursuant to directions of this Court in W.P.No. 6111 of 1987 dated 29.2.1988 the case of the petitioner was considered and he was initially engaged on daily wage basis and regularized w.e.f. 15.9.1989. That the present writ petition filed after lapse of 11 years from the date of regularization is not maintainable and is liable to be dismissed on the ground of laches.

The stand of the respondent corporation is that the case of the petitioner was rejected by the Selection Committee in the 1987 on the ground that the bus on which the petitioner claimed to have been working was not in operation as on the date of nationalization and pursuant to directions of this Court in W.P.No.6111 of 1987 the petitioner was selected vide proceedings dated 1.2.1989 and there is no delay on the part of the corporation in issuing the appointment order to the petitioner. The contention of the petitioner that he should be regularized on par with the persons appointed in the year 1987 cannot be accepted, for the reason his candidature was rejected by the Selection Committee and petitioner cannot compare his case with those appointed in the year 1987. That apart, the writ petition is also liable to be dismissed on the ground of laches in as much as the petitioner has kept quiet for

long period of 11 years.

For the above reasons, the writ petition fails and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

9.12.2005

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